

August 8, 2019

VIA ECFS

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Re: ONE Media 3.0, LLC, Notice of Ex Parte Presentation, *Authorizing Permissive Use of the "Next Generation" Broadcast Television Standard*, GN Docket No. 16-142

Dear Ms. Dortch:

ONE Media 3.0, LLC¹ hereby responds to the July 31, 2019, *ex parte* letter filed by Charter Communications ("Charter").² In its letter, Charter discussed the possible impact of the ATSC 3.0 transition on multichannel video programming distributors ("MVPD"), including Charter's concern that existing MVPD equipment is not compatible with the new broadcast standard and that broadcasters have not adopted standards needed for MVPD equipment to broadcast ATSC 3.0 signals. Charter's concerns, however, are both misplaced and premature.

At this time and for the foreseeable future, MVPDs will not require equipment to decode ATSC 3.0 signals because, with respect to the primary signal, a broadcast station that is transitioning to ATSC 3.0 must simulcast in ATSC 1.0 per the FCC's Rules.³ As a result, MVPDs will continue to have an ATSC 1.0 source for the primary signal. Moreover, we expect that most ATSC 3.0 multicast signals will also be simulcast in ATSC 1.0. Broadcasters have a strong interest in making multicast signals available to MVPDs that have requested carriage via retransmission consent agreements. In those situations, signal delivery will be governed by the terms of those agreements.⁴

Charter's concern about the lack of standards is misplaced. ATSC 3.0 – A/300 is the entire suite of Next Generation standards. Charter appears to confuse standards with flexible uses for non-television delivery of data. One of the extraordinary features of the ATSC 3.0 standard is its

¹ ONE Media 3.0, LLC was established to build and deploy the "Next Generation Broadcast Platform," enabling broadcasting to be competitive across all platforms.

² Letter from Maureen O'Connell, Vice President, Regulatory Affairs, Charter Communications, to Marlene H. Dortch, Secretary, FCC, GN Docket No. 16-142 (filed July 31, 2019) ("Charter *Ex Parte* Letter").

³ See 47 C.F.R. § 73.3801(b).

⁴ We also expect that broadcasters will welcome conversations with MVPDs interested in making the enhanced capabilities and features of ATSC 3.0 available to their subscribers via retransmission consent. Indeed, broadcasters and their MVPD distribution partners regularly communicate regarding programming and other technical issues.

inherent flexibility enabling multiple service profiles.⁵ Broadcasters have been working closely with equipment vendors to establish basic television service profiles. This critical process, however, will have no impact on the availability of television services to MVPD subscribers. Moreover, there is no requirement for uniformity among broadcasters in order for MVPDs to make ATSC 3.0's features and services available to their subscribers at such time as they agree with the broadcaster to carry the ATSC 3.0 signals. MVPD systems themselves vary widely in their architectures, features, and capabilities. If a MVPD and broadcaster are motivated to add an ATSC 3.0 delivered feature or service to the MVPD's platform, implementation will be achieved in a reasonable timeframe and based on mutual business objectives.

Charter also suggests that demand for ATSC 3.0 consumer equipment may be limited because some ATSC 3.0 features may be available to consumers via the Internet. Such reasoning is backwards. Enhancing the broadcast platform with features and capabilities that have already proven to be popular with consumers should increase, not decrease, the demand for broadcast reception products and services.⁶ The convergence of broadcast and broadband services enabled by the Next Generation standard should propel consumer equipment manufacturers to design and incorporate such functionality in receive devices. Those deployment considerations, however, have zero impact on MVPD access to broadcaster-provided programming. The implicit suggestion that the Commission should delay the rollout of Next Generation broadcast services because not all potential use cases have been identified and that some services may be available (albeit much less efficiently) by current MVPD internet providers reflects a particularly jaundiced view of the Commission's regulatory role, and should be summarily rejected.

Please contact the undersigned with any questions.

Respectfully submitted,

ONE Media 3.0, LLC

/s/ Jerald N. Fritz

Jerald N. Fritz

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Strategic and Legal Affairs

⁵ Charter relies on a recent NAB report that states ATSC 3.0 has over 40,000 possible configurations. Charter fails, however, to provide the full context of the NAB report's discussion regarding possible configurations, which states that "ATSC 3.0 has over 40,000 possible configurations, *of which only a small subset of those will probably be used to transmit the ATSC 3.0 signals.*" *NAB Next Generation Television (ATSC 3.0) Station Transition Guide*, April 2019, p. 21, available at https://nabpilot.org/wp-content/uploads/2019/04/NAB-ATSC-3.0-Guide_Final.pdf (emphasis added).

⁶ For example, MVPDs have added capabilities to their own platforms after they were first introduced online, such as movie downloads.